THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.12912 of 1998

20-06-2007

Between:

K. Tirupati Reddy … Petitioner

And

The Deport Manager, APSRTC Bus Depot, Karimnagar-I, Karimnagar and another. … Respondents.

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W.P.No.12912 of 1998

Oral Order:

This Writ Petition is directed against the award dated 12.12.1990 of the Industrial Tribunal-Cum-Labour Court, Godavarikhani passed in I.D.No.14 of 1990.

The petitioner was a conductor in the 1st respondent Corporation. On 4.10.1987, while he was conducting a bus on the route Karimnagar-Vemulawada, a check was exercised by the checking officials and on the basis of the evidence collected thereat two charges were levelled in a disciplinary proceeding initiated against him. The principal charge was that he failed to issue tickets to three passengers in spite of collecting fare from them. Eventually, after a due process of inquiry, the petitioner was removed from service by the order dated 19.7.1998 of the 1st respondent.

Aggrieved thereby, he lodged a claim before the Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court found no infirmities in the process of domestic inquiry. It analyzed the evidence recorded at the domestic inquiry in respect of the two charges; one relating to the petitioner having violated the rule of 'issue and start' and the other that he failed to issue tickets to three passengers who boarded the bus at stage No.1-4 bound for Bhavpet in spite of collecting the requisite fare. The Labour Court found that the second and principal charge in regard to petitioner's failure to issue tickets to the passengers despite collecting the fare from them was established by cogent and credible evidence, namely, the statements of the passengers that they paid the fare of Rs.1.50 ps each to the conductor and the conductor failed to issue the tickets and as such when the check was conducted they were not having the tickets. The Labour court also considered the explanation furnished by the petitioner at the spot check whereat he stated that at the time of the check, as there was some delay in giving change to another passenger who gave a hundred rupee note, he could not issue tickets

to the concerned passengers. At another point in his spot explanation, the petitioner had stated that he had forgotten to issue tickets to the three passengers. Therefore, no cogent explanation was forthcoming from the petitioner as to why he violated the mandatory rule of 'issue and start'. The Labour Court also found, on the basis of the record that there were only fifty passengers in the bus and, therefore, there were no extenuating or mitigating circumstances justifying taking of a lenient view.

Accordingly, the Labour Court declined to grant the relief and dismissed the I.D. Petitioner seeks judicial review of the negative award of the Labour Court.

In view of the factual aspects analyzed above, this Court discerns no illegality or perversity in the exercise of discretion or in the analysis of the relevant material by the Labour Court, warranting interference under Article 226 of the Constitution of India. There are no merits in the Writ Petition. Writ Petition is accordingly dismissed. No costs.

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20th June, 2007 GODA RAGHURAM, J

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